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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA**

13 Case No.: 2:18-cr-00276-JAD-EJY

14 Plaintiff,

15 vs.

16 **VERNELL MARSHALL,**

17 **Stipulation and Order to Continue
18 Sentencing
19 (Third Request)**

20 **Defendant.**

21 IT IS HEREBY STIPULATED AND AGREED, by and between JASON M. FRIERSON,
22 United States Attorney, and BRIAN WHANG, ESQ., Assistant United States Attorney,
23 counsel for the United States of America, and JOSHUA TOMSHECK, ESQ., counsel for
24 Defendant VERNELL MARSHALL, that the Sentencing and Disposition currently scheduled
25 for March 31, 2023 at 2:00 p.m. be continued for thirty (30) days to a date convenient for the
26 Court, preferably a Friday.

27 This stipulation is entered into for the following reasons:

28 1. This is the third Sentencing and Disposition continuance request.
29 2. Counsel for Defendant is currently in a multi-Defendant Federal Trial before
30 Judge Gloria Navarro which commenced on March 20, 2023 and is expected to last
31 for 4-6 weeks, with no sessions on Fridays. Therefore, counsel would be available
32 on any Friday setting during that time period.

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1 3. Counsel for Defendant is also currently set to begin an in-custody Jury Trial on a
2 re-trial double murder case from a previous capital verdict in Case No. 06C224572-
3 3 with a firm setting commencing on May 1, 2023.
4 4. The parties agree to the continuance.
5 5. The defendant is in custody and does not object to this continuance. In fact he
6 requested the sentencing be moved because he has been having health problems
7 recently.
8 6. Additionally, denial of this request for continuance could result in a miscarriage
9 of justice.
10 7. For the above stated reasons, the parties agree that a continuance of the Sentencing
11 and Disposition would best serve the ends of justice in this case.

12 DATED this 27th day of March, 2023.

13 Respectfully submitted,

14 HOFLAND & TOMSHECK

15 */s/ Joshua Tomsheck*
16 JOSHUA TOMSHECK, ESQ.
17 Counsel for Defendant
18 VERNELL MARSHALL

19 JASON M. FRIERSON
20 United States Attorney

21 */s/ Brian Whang*
22 BRIAN WHANG, ESQ.
23 Assistant United States Attorney

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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA

14 Plaintiff,

15 vs.

16 VERNELL MARSHALL,

17 Defendant.

18 Case No.: 2:18-cr-00276-JAD-EJY

19 Stipulation and Order to Continue
20 Sentencing
21 (Third Request)

22 **FINDINGS OF FACT**

23 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
24 Court finds that:

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1. This is the third Sentencing and Disposition continuance request.
2. Counsel for Defendant is currently in a multi-Defendant Federal Trial before
3. Judge Gloria Navarro which commenced on March 20, 2023 and is expected to last
4. for 4-6 weeks, with no sessions on Fridays. Therefore, counsel would be available
5. on any Friday setting during that time period.
6. Counsel for Defendant is also currently set to begin an in-custody Jury Trial on a
7. re-trial double murder case from a previous capital verdict in Case No. 06C224572-
8. 3 with a firm setting commencing on May 1, 2023.
9. The parties agree to the continuance.

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5. The defendant is in custody and does not object to this continuance. In fact he requested the sentencing be moved because he has been having health problems recently.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. For the above stated reasons, the parties agree that a continuance of the Sentencing and Disposition would best serve the ends of justice in this case.

ORDER

IT IS HEREBY ORDERED, that Sentencing and Disposition currently scheduled for March 31, 2023 at 2:00 p.m. be continued to May 5, at 11:00 a.m.

DATED this 28th day of March, 2023.

UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Joshua Tomsheck

Joshua Tomsheck, Esq.
Nevada Bar No. 009210
Attorney for Defendant